

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA	:	08-198
	:	
v.	:	Hon. Jose L. Linares
	:	
MERLINHG ALCANTARA	:	O R D E R

This matter having come before the Court by letter of defendant Merlinhg Alcantara for modification of his sentence; and the Court having considered the letter, the records of proceedings in this matter, and the response of the United States (Erez Liebermann, Assistant U.S. Attorney, appearing); and for good cause shown, and


IT APPEARING THAT in December 2008 defendant was sentenced to 60 months incarceration based on the statutory maximum, a period substantially lower than the guideline range of 121 to 161 months; and

IT APPEARING THAT there is no statutory or equitable provisions for this Court to modify defendant Alcantara's sentencing at this time; and

IT APPEARING THAT this Court could modify defendant Alcantara's sentence if he provides the Government with new information which would be grounds for a Rule 35 motion filed by the Government,

IT IS on this 20<sup>th</sup> day of Dec, 2011,

ORDERED that the petition for relief is hereby denied without prejudice for the Government to file a motion under Rule 35 should defendant provide new cooperation to the Government.

  
\_\_\_\_\_  
HON. JOSE L. LINARES  
United States District Judge